

August 2 2006

IN THE SUPREME COURT OF THE STATE OF MONTANA

Ed Smith
CLERK OF THE SUPREME COURT
STATE OF MONTANA

STATE OF MONTANA,

PRO 6-0120

AUG 02 2006

Plaintiff,

v.

THOMAS VAN HAELE,

Defendant.

Ed Smith
CLERK OF THE SUPREME COURT
STATE OF MONTANA

ORDER

Pursuant to § 3-1-805, MCA, Thomas Van Haele has filed a motion for disqualification of the Honorable John C. McKeon for cause in Treasure County Cause No. DC 92-01 in the Sixteenth Judicial District of the State of Montana.

This matter was appealed to this Court on March 19, 2002, following an order of the District Court to revoke suspension of sentence filed on March 12, 2002. This Court affirmed the decision of the District Court in *State v. Van Haele*, 2005 MT 153, 327 Mont. 400, 114 P.3d 225, and remittitur was issued on June 30, 2005. There is presently nothing pending before the Honorable John McKeon in Treasure County Cause No. DC 92-01.

Section 3-1-805, MCA, allows a "party to a proceeding" to file a motion to disqualify. Since there are no further proceedings pending before Honorable John C. McKeon in Treasure County Cause No. 92-01, Van Haele's motion to disqualify for cause is moot.

IT IS THEREFORE ORDERED:

1. The motion to disqualify is denied.
2. The Clerk is directed to mail a true copy hereof to the Clerk of the District Court of Treasure County, Montana, for notification to counsel of record in Treasure County Cause No. DC 92-01, and to the Honorable John C. McKeon, District Judge.

DATED this 2nd day of August, 2006.

Chief Justice

W. William Gaphart

John Warner

Jim Rice

Justices